

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-vs-

09-CR-6116

WAYNE MARSHALL,

Defendant

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**Siragusa, J.** This case was referred by order of the undersigned, entered August 27, 2009, to Magistrate Judge Jonathan W. Feldman, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On December 4, 2009, Defendant filed an omnibus motion (Docket # 65) seeking various forms of relief. At oral argument on his omnibus motion, held on March 16, 2010, Defendant orally requested and was granted permission to join in the application of co-defendant, Joseph B. Thompson, to suppress Title III eavesdropping evidence. In that regard, Magistrate Judge Feldman filed a Report and Recommendation ("R&R") (Docket # 198) recommending that the Court deny Defendant's motion to suppress the eavesdropping evidence be denied. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Feldman's R&R, Defendant's oral application to suppress eavesdropping evidence is denied.

IT IS SO ORDERED.

Dated: Rochester, New York  
October 6, 2011

ENTER:

  
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Charles J. Siragusa  
United States District Judge